



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,400	03/29/2001	Jay H. Connelly	42390P10860	8766

8791 7590 08/10/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT PAPER NUMBER

2623

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/823,400	CONNELLY, JAY H.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher M. Lambrecht	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14 and 16-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/12/2006; 2/10/2006</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 14, 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al., U.S. Patent No. 6,594,682 (of record) in view of Provino et al., U.S. Patent No. 5,732,282.

Regarding claims 1 and 20, Peterson discloses a computing device [client 24, figs. 1 & 2] comprising a machine-readable medium [system memory 34, fig. 2] and a processor [processing unit 32, fig. 2], the machine-readable medium including instructions (see “program modules” [col. 7, ll. 58-64]) which when executed by the processor cause the processor to perform operations [a method] comprising: receiving [210, fig. 7] a plurality of streaming content description data [index 30, fig. 3; col. 6, ll. 16-26] about a plurality of streaming content (see “video or audio played at the server” [col. 5, ll. 61-63]); receiving [210, fig. 7] a plurality of stored content descriptions data [index 30, fig. 3; col. 6, ll. 16-26] about a plurality of stored content (see “page stored at a web site” [col. 5, ll. 54-57]); providing [200, fig. 7] a program guide including at least some of the streaming content description data and at least some of the stored content description data [col. 6, ll. 58-67 & col. 11, ll. 8-12]; invoking [208, fig. 7] a first content manager (see “delivery module” [112 or

114, fig. 3; col. 9, ll. 31-53)) when either a first streamed content is selected or a first stored content is selected [col. 9, ll. 15-31] via the program guide (*i.e.*, responsive to the content schedule [col. 11, ll. 8-18]), wherein the first streamed content and the first stored content are a first digital data type (*i.e.*, “broadcast” or “multicast” protocol [col. 9, ll. 42-49]); invoking [208, fig. 7] a second content manager [110, fig. 3; col. 9, ll. 31-53] when a user selects [col. 6, ll. 42-47] either a second streamed content or a second stored content via the program guide, wherein the second streamed content and the second stored content are a second digital data type (*i.e.*, “point-to-point” protocol [col. 5, l. 67 - col. 6, l. 2]) and wherein the first digital data type and the second digital data type are different [col. 6, ll. 38-58].

Peterson further discloses a coordinator (operating system 60, fig. 2) that invokes the appropriate content manager (col. 10, ll. 19-24) to control the system hardware to retrieve content based on the digital data type (col. 9, ll. 21-30). Peterson fails to disclose the first and second content managers register with the coordinator by informing the coordinator of the first and second data types. In an analogous art, Provino discloses first and second modules (virtual device drivers, fig. 2) that register with an operating system (21, fig. 2) by informing the operating system of their respective calling information (col. 3, ll. 15-39), thereby enabling applications to access and receive the appropriate hardware services (col. 3, ll. 3-8, col. 1, ll. 19-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the system of Peterson registering the first and second content managers with the coordinator by specifying the particular data type, as

taught by Provino, to enable the appropriate content manager to be invoked for a particular service request.

As to claims 2 and 21, Peterson and Provino together disclose the system and corresponding method of claims 1 and 20. In addition, Peterson discloses receiving a request to present the selected stored content [220, fig. 7]; and presenting the selected stored content [222, fig. 7].

As to claims 3 and 22, Peterson and Provino together disclose the system and corresponding method of claims 1 and 20. In addition, Peterson discloses receiving a request to provide a plurality of details about a selected stored content [218, fig. 7]; presenting the details about the selected stored content [218, fig. 7].

As to claims 4 and 23, Peterson and Provino together disclose the system and corresponding method of claims 1 and 20. In addition, Peterson discloses receiving a request to present a selected streaming content [220, fig. 7]; presenting the selected streaming content [222, fig. 7].

As to claims 5 and 24, Peterson and Provino together disclose the system and corresponding method of claims 1 and 20. In addition, Peterson discloses receiving a request to provide a plurality of details about a selected streaming content [218, fig. 7]; presenting the details about the selected stored content [218, fig. 7].

Regarding claims 6 and 8, Peterson and Provino together disclose the method and computing device of claims 2 and 4, but fail to disclose decrypting the stored content and decrypting the streaming content. Official notice is taken of the fact that it is well known in

the art to encrypt both streaming and stored media content in order to limit access to said content to authorized viewers, and likewise it is well known in the art for content receivers to include decryption means to decrypt encrypted media content when appropriate, for the purpose of permitting authorized users to enjoy said encrypted content. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Peterson and Provino to include decrypting the stored content and decrypting the streaming content, for the purpose of permitting authorized users to enjoy encrypted content in a multimedia distribution system.

Regarding claims 7 and 9, Peterson and Provino together disclose the methods of claims 2 and 4, but fail to explicitly disclose decompressing the stored content and streaming content. Official notice is taken of the fact that it is well known in the art to store and stream multimedia data in compressed form, and to decompress said data for viewing, for the purpose of minimizing required storage space and transmission bandwidth. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Peterson and Provino to include decompressing the stored content and streaming content, for the purpose of minimizing required storage space and transmission bandwidth.

Regarding claim 12, see Peterson and Provino as applied to claims 1 and 20, above. In addition, Peterson discloses a system comprising the claimed coordinator [operating system 60, fig. 2; col. 7, l. 62 - col. 8, l. 1].

Regarding claims 10, 11, 18, and 19, Peterson and Provino together disclose the method and computing device of claims 1 and 12, but fail to disclose receiving a content manager update and receiving a new content manager. Official notice is taken of the fact that it is well known in the art to replace or update an application program in a computing device for the purpose of upgrading older software to a newer, improved version. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Peterson and Provino to include receiving a content manager update and receiving a new content manager, for the purpose of upgrading older software to a newer, improved version.

As to claim 14, Peterson and Provino together disclose the system of claim 12. In addition, Peterson discloses wherein the coordinator invokes a content manager to present a selected content [user interface 140, fig. 3; col. 10, ll. 60-63].

Regarding to claims 16 and 17, see the rejection of claims 6-9, above. In addition, Peterson discloses the coordinator and each content manager comprise a presentation component [video adapter 76, fig. 2; col. 8, ll. 14-18].

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12, 14, 16-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9:30 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M. Lambrecht  
Examiner  
Art Unit 2623

cml



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**